

MANIPUR



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 12

Imphal, Tuesday, April 15, 2025

(Chaitra 25, 1947)

No. H-2001/69/2025-HD-HD
GOVERNMENT OF MANIPUR
SECRETARIAT : HOME DEPARTMENT

NOTIFICATION NO. 23

Imphal, the 15th April, 2025

Subject: Abetment outside India for offence in India - regarding.

1. BNS is criminal law that only applies within the jurisdiction of the country, many offences are operated from outside the country. Whether it is the 26/11 Mumbai attacks or underworld activities involving offences like extortion, murder, or the recent surge in cybercrimes, it is not necessary for offenders to commit offences in India by being physically present in the country. Hence, a provision defining this act of offences was needed, which has been addressed in BNS. BNS Section 48: Abetment outside India for offence in India. This section is a new addition to Indian criminal law, as the Indian Penal Code (IPC) did not explicitly cover such offence.

2. Section 48. Abetment outside India for offence in India.

'A person abets an offence within the meaning of this Sanhita who, without and beyond India, abets the commission of any act in India which would constitute an offence if committed in India'

Illustration.

A, in country X, instigates B, to commit a murder in India, A is guilty of abetting murder.

Section 48 of the Bharatiya Nyaya Sanhita (BNS) ensures that a person who, while being outside India, instigates, aids, or conspires to commit an offence within India can be prosecuted under this provision.

3. Ingredients of Section 48:

- **Abetment:** The core element is abetment, which refers to instigating, conspiring, or intentionally aiding the commission of an offence. The definition of abetment is further detailed in Section 45 of the BNS.
- **Location of Abettor:** The abettor must be physically **"without and beyond India"**. This implies that the person is not within the territorial jurisdiction of India when the act of abetment is committed.
- **Location of Offence:** The offence that is being abetted must be one that is committed or intended to be committed in India.
- **Nature of the Act:** The act being abetted must be of such a nature that it would constitute an offence under the BNS if it were committed within India.

4. Practical Examples:

- **Cybercrime:** A person located in another country plans and executes a cyber-attack on a critical infrastructure in India with the help of accomplices within India. Even though the planner is physically outside India, they can be held liable under Section 48 of the BNS for abetting the cyber offence.

- **Terrorism:** A person residing in a foreign country provides funds, training, or logistical support to a terrorist group operating in India. If the actions of the terrorist group in India constitute a terrorist act, then the person outside India can be prosecuted under Section 48 of the BNS for abetting a terrorist act.
- **Financial Fraud:** An individual outside India arranges a financial scam targeting Indian citizens, using associates located within India. The person outside India can be prosecuted under Section 48 of the BNS for abetting fraud.
- **Organised Crime:** An individual located in another country directs the activities of an organised crime syndicate in India and engages in unlawful activities
- **Human Trafficking:** A person located outside India organises or facilitates the trafficking of individuals into India, even though they are not physically present in India when the actual trafficking occurs, they can be prosecuted under section 48

5. The punishment for abetment under Section 48 corresponds to the punishment prescribed for the principal offence being abetted. The abettor is treated as if he had committed the offence himself.

6. Section 48 was introduced to address modern challenges of globalization and transnational crimes, such as cybercrime, terrorism, and organized crime, which often involve offenders operating from outside India's borders.

7. Section 48 reinforces the need for international cooperation by allowing India to hold foreign abettors accountable. It may involve seeking extradition or collaboration with other countries to prosecute offenders under Indian law. It only applies to offences committed after the BNS came into effect.

9. All Investigating Officers, Officer-in-Charges of Police Stations and concerned Superintendent of Police are directed to strictly adhere to the provision laid down under the above referred Section of BNS-2023.

DR. MAYENGBAM VETO SINGH,
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Government of Manipur.